

CUOMO LLC

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
BWP Media Inc d/b/a Pacific Coast News

Plaintiff,

-against-

ANSWER

Index No.: 14cv 393(WJM)(JF)

HIPHOPSTAN.COM LLC,

Defendants.

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The defendants HIPHOPSTAN.COM, LLC by and through their attorneys, Cuomo LLC, as and for their Answer to the Complaint of plaintiff in this action, respectfully sets forth and alleges as follows, upon information and belief, based upon the files maintained in our office:

1. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs 1 of the plaintiff's complaint.
2. Denies the allegations contained in paragraph 2 of the plaintiff's complaint except admits that defendant does own the website Hiphopstan.com.

3. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

4. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

5. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 5 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

6. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 6 of the plaintiff's complaint.

7. Admits the allegations in paragraph 7 of the plaintiff's complaint only to the extent that the defendant admits it is a New Jersey Limited Liability Corporation with its principal place of business in Morris County New Jersey; defendant denies the remaining allegations in said paragraph.

8. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 8 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

9. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 9 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

10. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 10 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

11. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 11 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

12. Admit the allegations contained in paragraph 12 of the plaintiff's complaint.

13. Denies the allegations contained in paragraph 13 of the plaintiff's complaint

14. Denies the allegations contained in paragraph 14 of the plaintiff's complaint

15. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 15 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

16. Denies the allegations contained in paragraph 16 of the plaintiff's complaint

17. Denies the allegations contained in paragraph 17 of the plaintiff's complaint

18. Denies the allegations contained in paragraph 18 of the plaintiff's complaint

19. Denies the allegations contained in paragraph 19 of the plaintiff's complaint

20. Denies the allegations contained in paragraph 20 of the plaintiff's complaint

21. Respectfully repeats and re-alleges the above responses and incorporates them as if fully set forth herein in response to paragraph 21 of the plaintiff's complaint.

22. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 22 of the plaintiff's complaint.

23. Admits that the Defendant was not licensed by Plaintiff to use the alleged photographs but denies knowledge with respect to Plaintiff's ownership of said photographs.

24. Denies the allegations contained in paragraph 24 of the plaintiff's complaint.

25. Denies the allegations contained in paragraph 25 of the plaintiff's complaint.

26. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 26 of the plaintiff's complaint.

27. Denies the allegations contained in paragraph 27 of the plaintiff's complaint.

28. Denies the allegations contained in paragraph 28 of the plaintiff's complaint.

29. Respectfully repeats and re-alleges the above responses and incorporates them as if fully set forth herein in response to paragraph 29 of the plaintiff's complaint.

30. Denies the allegations contained in paragraph 30 of the plaintiff's complaint.

31. Denies the allegations contained in paragraph 31 of the plaintiff's complaint.

32. Denies the allegations contained in paragraph 32 of the plaintiff's complaint.

33. Denies the allegations contained in paragraph 33 of the plaintiff's complaint.

34. Respectfully repeats and re-alleges the above responses and incorporates them as if fully set forth herein in response to paragraph 34 of the plaintiff's complaint.

35. Denies the allegations contained in paragraph 35 of the plaintiff's complaint.

36. Denies the allegations contained in paragraph 36 of the plaintiff's complaint.

37. Denies the allegations contained in paragraph 37 of the plaintiff's complaint.

38. Denies the allegations contained in paragraph 38 of the plaintiff's complaint.

39. Denies the allegations contained in paragraph 39 of the plaintiff's complaint.

40. Denies the allegations contained in paragraph 40 of the plaintiff's complaint.

41. Denies the allegations contained in paragraph 41 of the plaintiff's complaint.

42. Respectfully repeats and re-alleges the above responses and incorporates them as if fully set forth herein in response to paragraph 42 of the plaintiff's complaint.

43. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 43 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

44. Respectfully repeats and re-alleges the above responses and incorporates them as if fully set forth herein in response to paragraph 44 of the plaintiff's complaint.

45. Denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 45 of the plaintiff's complaint, and respectfully refers all matters of law to the Court.

FIRST AFFIRMATIVE DEFENSE

All images referenced in the Complaint could only have appeared on Defendant's Website if at all through a hotlink posted by a third party

SECOND AFFIRMATIVE DEFENSE

Defendant never posted, hosted or uploaded any images owned by Plaintiff

THIRD AFFIRMATIVE DEFENSE

Defendant made no use of any images owned by Plaintiff.

FOURTH AFFIRMATIVE DEFENSE

Any use of images allegedly owned by Plaintiff was incidental to Defendant's website and any alleged infringement was *de minimus*

SIXTH AFFIRMATIVE DEFENSE

If Defendant is found to have infringed upon Plaintiff's copyrights in the alleged images,

Defendant was an innocent infringer.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff has not provided the court or Defendant's counsel with copyright registrations or proof of ownership for the images referenced in the complaint

WHEREFORE defendants demand judgment in their favor, dismissal of the complaint, interest, costs and disbursements and such other and further relief as the court deems just and proper.

Dated: April 1, 2014

Respectfully submitted,

/s/ Oscar Michelen

CUOMO LLC

BY: Oscar Michelen

State Bar No.: 040261985

Attorneys for Defendant

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